IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 2219 of 2007

SAJJAN DEVI & ORS.
V/S
A.D.J.NO.1,BHILWARA & ORS.

Mr. SURESH SHRIMALI, for the appellant / petitioner

Date of Order : 17.5.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner, perused the impugned orders.

Both the learned Courts below have found that the petitioner is not in actual physical possession of the property, as the Commissioner was appointed, who went on the site, and found that the property was having locks of the other side. In that view of the matter, the injunction has been refused. In my view, there is no error in that part of the order, so as to require interference in my writ jurisdiction.

The other grievance is that the defendant should be restrained from alienating the property during pendency of the litigation. Suffice it to say that the provisions of Section 52 of the Transfer of Property Act are very much there to take care of the situation if any alienation is made pending litigation. Thus, I do not find any sufficient ground to interfere with the impugned orders. The writ

petition is, therefore, dismissed summarily.

It is informed by learned counsel for the petitioner that the issues have already been framed in the suit. Looking to the totality of circumstances, I think it appropriate to direct, and accordingly direct the learned trial Court to decide the suit most expeditiously. Learned counsel for the petitioner also submits that his client would extend full cooperation in expeditious disposal of the suit.

(N P GUPTA),J.

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